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July 16, 2021

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VIA ECF

The Honorable Andrew L. Carter Jr.
United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *Hedgeye Risk Management, LLC v. Dale*, No. 1:21-cv-3687 (ALC)
Request to Seal Documents

Dear Judge Carter:

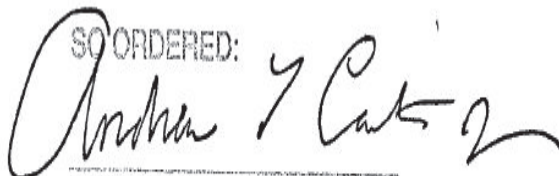
We represent Hedgeye Risk Management, LLC. Pursuant to Section 6.D of Your Honor's Individual Practices and Section 6 of the SDNY ECF Rules and Instructions, we write to request filing under seal Exhibit A to the July 16, 2021 Declaration of Thomas E. Wallerstein in support of Hedgeye's Renewed Motion for Preliminary Injunction

Exhibit A to the Wallerstein Declaration contains excerpts of the transcript of the June 15, 2021 deposition of Defendant Darius Dale. The entire transcript has been designated by the parties as "Confidential" and certain portions also have been designated by Hedgeye as "Highly Confidential – Attorneys' Eyes Only" pursuant to the parties' protective order because they disclose Hedgeye trade secrets and/or confidential customer information.

"Potential damage from release of trade secrets is a legitimate basis for sealing documents and restricting public access." *Encyclopedia Brown Prods. v. Home Box Office*, 26 F. Supp. 2d 606, 612 (S.D.N.Y. 1998). This Court and others in this Circuit routinely seal documents containing confidential and alleged trade secret information. *See, e.g., Ramirez v. Temin & Co.*, No. 20 Civ. 6258, 2020 WL 6781222, at *6 (S.D.N.Y. Nov. 18, 2020).

Thank you for your consideration.

Respectfully submitted,

SO ORDERED:


HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

July 19, 2021



Thomas E. Wallerstein